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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA and)
FERNANDO SYLVESTER, Revenue Agent,) NO. C-08-01487-MEJ
Petitioners,) APPLICATION AND
v.) ORDER OF DISMISSAL
LYNN R. ANTHONY ,)
Respondents.)

Petitioners United States of America and Sylvester Fernando hereby advise the Court that they have discovered that the address where the IRS summons was left was not the address of Lynn R. Anthony. Since the IRS has failed to serve the summons on Lynn R. Anthony, the petitioners request that this action be dismissed without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/ David L. Denier
DAVID L. DENIER
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Attorneys for United States

ORDER

Upon the request of the petitioners and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, this action is hereby dismissed without prejudice.

June
ORDERED this 10 day of May, 2008, at San Francisco, California.

UNITED STATES MAGISTRATE

